

Downtown Commission Meeting  
Minutes of August 13, 2010  
8:30 a.m.  
1st Floor North Conference Room - City Hall

**Present:** Chairman Dwight Butner, Presiding; Vice-Chair Kitty Love, Councilman Jan Davis, Mr. Byron Greiner, Mr. Bruce Hazzard, Mr. Michael McDonough, Ms. Pamela Myers, Mr. Matthew Sprouse and Mr. Jimi Rentz

**Absent:** Ms. Rebecca Hecht and Mr. Guadalupe Chavarria

Chairman Butner called the meeting to order at 8:30 p.m. and informed the audience of the public hearing process.

**Administrative**

- ? Mr. McDonough moved to approve the minutes of the July 9, 2010, meeting. This motion was seconded by Mr. Greiner and carried unanimously.

**Updates**

**Downtown Association**

Mr. Greiner reminded the Commissioners about Downtown After Five and noted they are pleased to see the discussion regarding metered parking.

**Downtown Task Force/Development Services**

Urban Planner Alan Glines said that the Task Force was not able to meet this month due to scheduling conflicts.

Chairman Butner asked Mr. Glines to send out the minutes of the Downtown Task Force.

**Public Restrooms**

Director of Transportation Ken Putnam said that City Council approved extending the public restroom hours located between Rankin Street and 29 Haywood Street to 10:00 p.m. (currently closing at 6:00 p.m.) Mondays through Saturdays effective September 1. We will keep those hours through December 31 and then take a 3-month break. During that break they will report back to City Council on how well that extension worked and they also will try to keep track how many people are using the restrooms and the times. We will then extend those hours again for April-June. The anticipated cost is approximately \$10,000 and will be staffed with contracted temporary workers.

**Wayfinding Signs**

Urban Planner Jessica Bernstein said that she spoke with Ms. Cate Marvill and due to the legal negotiations she was not able to provide her with a lot of details regarding the peeling signs.

**Downtown Master Plan Implementation**

Regarding the Transportation and Parking Subcommittee, Ms. Vrtunski provided the Commissioners with a list of items (prepared by Ms. Julie Mayfield) that the Subcommittee was

interested in working on, since a lot of the items are not actionable by citizens. She asked for the Commissioners feedback on any items they would encourage the Subcommittee to look at. After a brief discussion of parking policies, it was the consensus of the Commission to e-mail Ms. Vrtunski their suggestions.

Regarding the Historic Preservation Subcommittee, Ms. Vrtunski said they working on a luncheon event in November focusing on how we weave our history into tourism and arts. They hoped that would be an annual event.

Regarding the Downtown Management Subcommittee, Ms. Vrtunski said they have established a subcommittee to work on drafting a schedule to survey of property owners (approximately \$5,000) on improvement districts and to also develop a package of information about improvement districts and how they work. They are also looking at potentially doing an economic study (approximately \$10,000) that would show the economic benefits to property owners of an improvement district. Chairman Butner said that the Subcommittee did not need the Commissioner's approval to add additional members.

Regarding the Arts Subcommittee, Vice-Chair Love said they are continuing to work on the Arts Commission and noted that they too will be adding a new member to their Subcommittee. Ms. Myers noted that the Americans for the Arts economic impact study is being updated with the Buncombe County numbers and will be a piece that dovetails nicely with the work of the Arts Subcommittee.

Regarding the Urban Design Subcommittee, Urban Planner Alan Glines said that the Unified Development Ordinance changes are still being reviewed by the Planning & Zoning Commission and we hope to have their recommendations on or before September 1. We will then work with the City Clerk on scheduling a City Council worksession or two. The next step will be for the Downtown Commission to identify a new Design Review Subcommittee to start their task of design guidelines. Chairman Butner said that Mr. McDonough, Mr. Hazzard and Mr. Sprouse have all agreed to sit on the Design Review Subcommittee.

### **Downtown Design Review**

#### **Pack Square Park Bathrooms/Visitors Center**

Urban Planner Bernstein said that the Pack Square Conservancy wanted an informal review, but they were not quite ready. They may come back in September for the informal review or they may meet in the meantime with the Design Review Subcommittee for their informal review.

### **Pack Square Park Permitting & Special Event Street Closures**

Urban Planner Glines updated the Commissioners from the subcommittee meeting. He reviewed the policy which addressed the following recommendations: (1) No closures of DOT roads (agreed upon); (2) No street closures along bus routes because: difficulty of notification of a route changes, difficulty with keeping the bus on schedule even with a detour, and riders are left confused about the location of the detour (agreed upon); (3) Event organizers would be required to submit a petition of support signed by 60% of those contiguous to the closed street segment (too difficult to implement, but still interested in notification, e.g., Code Red, door-hangers, flyers); (4) City staff will provide public notification about the closure (agreed upon); (5) If a park is adjacent to the event area and available for use, the event on the street will be required to utilize the park rather than the street (agreed upon); and (6) This policy will NOT apply to City co-sponsored events that are approved by Asheville City Council.

Comments from the meeting included (1) Explore no street closures (other than co-sponsored events) during the months of July and October; (2) Possibly limit street closures to only 1 time a month (which may push events into lesser used streets – could be a positive result). Does this exempt co-sponsored events; (3) Establish a hierarchy of streets (larger events on larger streets, higher fees for more heavily used streets, etc.); and (4) Possibly apply higher fees in during heavy tourist season.

Vice-Chair Love felt we needed to get a broad response from people who do outdoor events. She felt that outdoor events are an economic development opportunity for us and we have to make it viable for any business; however, we don't want it to have a negative impact on infrastructure and everyone else's functionality. She felt the process has become more efficient for the City but less beneficial for event organizers and suggested we extend this conversation a little longer. Regarding No. 5, she felt that just because a park is adjacent to a site, isn't enough reason to move the event to the park because the park may be too small to handle the event.

In response to Mr. Greiner, Mr. Glines said that we are flexible in developing this policy but would want to get something in place for those that begin to plan their events in the fall.

Mr. Greiner initiated discussion when he felt we need to develop a list of those streets that would be encouraged to be used and those that would be discouraged.

Chairman Butner explained his reasoning for asking that we reach out to tour bus groups as well.

Vice-Chair Love said that if some of the issues are no longer pressing because we're at the end of our season, she felt the winter would be a good time to have a subcommittee actually look at depth of where our parks are, how much they cost, where the streets are, etc. If we have time, the policy could be crafted to make it very encouraging to events we want to see grow.

Ms. Myers noted that the City is operating at this time that there will be no bus route closures. Since people are applying for permits for next year, she didn't think we could take our time to craft a policy. She felt we should get a few policy points in place and then work through some other ideas.

Councilman Davis moved to endorse the street closure policy for special events in the Central Business District consist of (1) No closures of DOT roads; (2) No street closures along bus routes because: difficulty of notification of a route changes, difficulty with keeping the bus on schedule even with a detour, and riders are left confused about the location of the detour; and (3) City staff will provide public notification about the closure. This motion was seconded by Mr. McDonough and carried unanimously.

Chairman Butner said that the additional policy items and additional comments will be tabled for further review.

Urban Planner Bernstein said that before we institute this as a policy, staff will need to work on the public notification aspect of the policy to make sure we understand how and when the notification will take place. Vice-Chairman Butner asked that an appeal process be included as well. Ms. Bernstein said that staff will report back to the Commission at their September meeting.

Ms. Myers suggested Vice-Chair Love work with City staff on reaching out to the event organizers and others to get more input for a meeting after September 5. Mr. Greiner asked for the date to be set as soon as possible (mid-September) in order to get it scheduled on people's calendars.

### **Handicapped – Metered Downtown Parking**

City Attorney Oast said that at the Commission's last meeting he was asked whether designated handicapped spaces (as opposed to non-designated parking spaces where handicapped vehicles can park for unlimited periods) could be metered. In addition, there was a recommendation that the matter be forward to City Council. This matter was reviewed by City Council on July 27. City Council directed him to investigate further various aspects of the issues surrounding handicapped parking in the downtown area, and that was to include a meeting with the Mayor's Committee on Disabilities (which will be held on August 20). He has since reviewed the laws, ordinances, practices in other municipalities, and policies, in addition to exploration of other alternatives, including other available parking, better enforcement, etc. He has also met with our Director of Transportation, Chair of the Mayor's Committee on Disabilities Karen Harrington, one resident of the Battery Park Apartments, and received e-mails and phone calls on both sides of the issue. Staff is (1) exploring technologies for allowing the use of credit cards or token in parking meters; (2) looking into what service lots are owned and operated by the City that might be available for uses like this; (3) investigating an increase of designated on-street spaces in certain areas; and (4) crafting an ordinance requiring the removal of all vehicles from street at certain times, e.g. 2:00 a.m. – 6:00 a.m. If the policy changes to require handicapped vehicles to activate a meter, there is a recommendation of a 60-90 day implementation period. He anticipates reporting back to Council with possibly some recommendations shortly after the meeting with the Mayor's Committee.

City Attorney Oast responded to the Commissioners regarding any Americans with Disability Act (ADA) regulations regarding accessibility of parking meters

It was the opinion of City Attorney Oast that the City could require activation of meters by handicapped vehicles parked in regular on-street parking spaces. However, as long as the meter is activated we cannot require them to remove their vehicles.

In response to Mr. Greiner, Director of Transportation Ken Putnam said that staff is also polling of the number of designated handicapped spaces, including the parking decks. He said that ADA requirements within a public right-of-way (within the street infrastructure) have never been approved (only in draft form for 20 years). The City strives to meet those guidelines, but if they were law, we would not be in compliance.

City Attorney Oast said that we found conflicting opinions from the Attorney General's Office and the N.C. League of Municipalities which are both bodies looked to for opinions on this kind of thing. The Attorney General's Office said that the metering of designated handicapped spaces was neither authorized nor prohibited. The N.C. League of Municipalities concluded that we cannot meter those spaces. In view of the conflicting opinions, he recommended obtaining an updated opinion from the Attorney General's Office before metering designated handicapped spaces. He said that if we decide to start requiring activation of meters by handicapped vehicles using regular spaces, then you may force some of those vehicles into the designated spaces and if they are not metered, they could stay there for a long time.

In response to Chairman Butner, City Attorney Oast explained why he recommended clarifying the maximum time limits for parking in downtown.

When Chairman Butner asked if anyone has reviewed the City of Charlotte's policy comprehensively on how they operate, Mr. Putnam said that he has not; however, he would follow through on that. He has been working with the City of Raleigh since their policy has been in place since March 16, 2010. Raleigh is taking down parking meters and putting in pay stations. In doing so, they had to go back to the vendor and make it accessible for the handicapped to be able to put as much money as they needed to in order to satisfy the requirement that they can

stay in that spot for an unlimited period of time. We are still in contact with Raleigh to see how that is progressing. Raleigh's feedback is still ongoing, but it was the consensus that the handicapped individuals were not as concerned about the fact that they needed to pay, but losing the ability to stay in the parking spot for as much time as they needed.

In response to Chairman Butner, Mr. Putnam said that when you talk about designating spaces in the parking decks, one of the key elements is the location of them in relationship to an access point.

Ms. Karen Harrington, Chair of the Mayor's Committee on Disabilities, said that she has received numerous e-mails and phone calls from citizens about how the City is taking away handicapped parking. She explained to them that that is not the issue. She said that there are not enough designated handicapped spaces, but we should be looking at the people abusing the system. She did not want to change the whole policy for those few people. She agreed that we need to look at other options. She wanted to gather as much factual information as possible so when they have their meeting on August 20 those people can be educated with what is being proposed. The individuals she has spoken with do not oppose paying for space - they just want to have an accessible space.

Ms. Danielle Wallace, resident in the Battery Park Apartments with a handicapped placard, felt that most disabled people are elderly and poor. Asheville has a large elderly and disabled population housed mainly downtown and the City should make sure that there is enough handicapped parking to accommodate them. She felt to have handicapped individuals use the Civic Center Parking Deck is not feasible because of the incline of the street. She felt this is an aggressive campaign all in the name of money. In addition, she notices business trucks downtown abusing the system as well by parking wherever they can, blocking traffic and not getting a ticket. The Battery Park Apartments have 122 apartments with 22 designated handicapped parking spaces, which are always filled.

Chairman Butner suggested Ms. Wallace reduce her comments to writing and provide them to Urban Planner Bernstein so the Commission could review them.

Chairman Butner asked that Mr. Putnam provide the Commissioners with his research results by the next meeting in order for the Commissioners to provide a recommendation to City Council.

## **Other Business**

### **Streetscape Task Force/Recycling Cans**

Public Works Director Cathy Ball said that the Asheville Streetscape Plan was adopted in 1994 and it has been a very useful tool for the City to create some consistency and beautiful streetscape to the downtown area. In looking at some of our needs, and working with the Downtown Association, we talked about some of the ways we could work together to make downtown better in terms of cleanliness. They would like to introduce recycling options for pedestrians. Even though we have put in some recycling containers in Pack Square Park we feel it's a missed opportunity for people using the sidewalks downtown to not be able to recycle. Because we would be introducing something else to the streetscape system, we can't just sit some recycling containers downtown and everyone would be fine. Additionally, the trash cans downtown are not easy to remove trash from and not easy to keep clean underneath. Her goal would be to come up with a design so we would be ready to go after grant money to be able to purchase them, but until we know what they would look like, get buy-in from the community, find out how they would fit in, and how much space they would take up, she didn't feel comfortable moving on that. Also, you would want to have some relationship of the recycling containers to the

trash containers. She asked for the Commissioners to give some thought to this and provide that feedback at their September meeting.

Mr. McDonough said the key is to balance the design aesthetics in order to have any consistency in downtown. Once you establish the family of element, when opportunities present themselves and you have to replace something, then you know what you are going to replace it with. As new development happens, you can make that family of fixtures available to the private development.

In response to Chairman Butner, Mr. McDonough felt the Design Review Subcommittee is the appropriate body to start giving Ms. Ball some direction.

Mr. Joe Minicozzi, representing the Downtown Association, supported the Design Review Subcommittee reviewing this matter.

### **Lexington Avenue Murals**

Chairman Butner said that this item will be tabled.

### **Adjournment**

At 10:33 a.m. Mr. McDonough moved to adjourn the meeting. This motion was seconded by Mr. Sprouse and carried unanimously.